

REMARKS

Reconsideration and allowance of the present application are respectfully requested. Claims 1-6 remain pending in the application. By the foregoing amendment, claim 1 is amended.

On page 2 of the Office Action, the Examiner again rejects claims 1-6 as being unpatentable over U.S. Patent 4,616,829 (Smack, Sr. et al.) in view of U.S. Patent 5,664,998 (Seelig et al.); and claims 1-6 as being unpatentable over U.S. Patent 3,834,702 (Bliss) in view of the Seelig et al. patent. These rejections are respectfully traversed.

Bridging pages 2 and 3 of the final Office Action, the Examiner asserts "the limitations on which the Applicant relies (i.e., the electrical power can be generated by physical effort and exertion through use of player's limbs and the player exert his movement to generate electrical power to drive the car) are not stated in the claims." Accordingly, to place the claims in condition for allowance, claim 1 is amended to recite a slot car toy including, among other recited features, manually driven electrical power generating means provided for supplying electrical power to a slot, whereby physical effort is exerted by a user to directly generate electrical power.

The Smack, Sr. et al. patent

The Smack, Sr. et al. patent does not teach or suggest a slot car toy powered by a manually driven electrical power generating means as recited in claim 1.

On page 2 of the final Office Action, the Examiner asserts that the Smack, Sr. et al. patent discloses "that it is known to propel miniature cars along a track using a person's limbs and would have been obvious to user a car for the device of Smack." The Examiner further asserts that Smack discloses "that foot controls are used to

propel respective figurines along the track." However, notwithstanding the Examiner's assertions, the user does not physically exert effort to generate the power needed to drive the figurines. Rather, the Smack, Sr. et al. patent discloses user-manipulated hand-held controls (col. 1, line 34) and foot switches 38 and 40 (col. 4, lines 55-60), which are merely used as switch controls. Accordingly, the Smack, Sr. et al. patent does not teach or suggest a manually driven electrical power generating means, whereby physical effort is exerted by the user to directly generate electrical power, as recited in claim 1.

The Seelig et al. patent does not cure the deficiencies of the Smack, Sr. et al. patent. The Seelig et al. patent teaches a combined slot machine and racing game that is conventionally powered, but the Seelig et al. patent does not teach or suggest a manually driven electrical power generating means provided for supplying electrical power to a slot, whereby physical effort is exerted by the user to directly generate electrical power, as recited in claim 1.

The Bliss et al. patent

The Bliss. et al. patent does not teach or suggest a slot car toy powered by a manually driven electrical power generating means, whereby physical effort is exerted by the user to directly generate electrical power, as recited in claim 1.

The Bliss et al. patent discloses a jogging game apparatus controlled by a person jogging in place to establish a simulated race between the jogger and a simulated competitive runner (abstract). The jogger runs on a mat to generate control signals that controls the movement of game pieces 20 and 22 positioned on a board 10 (Figs. 1 and 2). However, the user does not physically exert to generate

the power needed to drive the game pieces. Rather, the power is supplied from an external source 40.

The Seelig et al. patent does not cure the deficiencies of the Bliss et al. patent. The Seelig et al. patent does not teach or suggest a manually driven electrical power generating means provided for supplying electrical power to a slot, whereby physical effort is exerted by the user to directly generate electrical power, as recited in claim 1.

Conclusion

The applied references, considered individually or in combinations as suggested by the Examiner, would not have taught or suggested a manually driven electrical power generating means provided for supplying electrical power to a slot, whereby physical effort is exerted by a user to directly generate electrical power. Physical effort exerted by a user to directly generate electrical power, as recited in claim 1, is potentially safer and readily portable than apparatuses that inherently rely on plug-in power.

For at least the foregoing reasons, Applicant's claim 1 is allowable. The remaining claims depend from independent claim 1 and recite additional advantageous features which further distinguish over the documents relied upon by the Examiner. As such, the present application is considered in condition for allowance.

All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the application is in condition for allowance and a Notice of Allowance is respectfully solicited.

Respectfully submitted,

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